

Case No. 1:23-CV-00989-JLH

June 14th 2024

The Honorable Jennifer L. Hall
United States District Court for the District of Delaware
844 N. King Street
Wilmington, DE 19801

**Re: [REDACTED] v. Bolivarian Republic of Venezuela, et al. Case No.
1:23-CV-00989-JLH**

**OPPOSITION BRIEF TO DEFENDANTS' REQUEST FOR COPIES OF
SEALED DOCUMENTS**

We, the Plaintiffs in the above-captioned action, write to oppose the request made by the Defendants PDV Holding, Inc., CITGO Holding, Inc. (f/k/a PDV America, Inc.), and CITGO Petroleum Corporation (collectively, the "CITGO Defendants") **dated June 12, 2024 (D.I. 57)**. In their letter, the CITGO Defendants request copies of D.I. 54 and D.I. 56, which were filed under seal, and an opportunity to respond.

ARGUMENT

1. Protection of Sensitive Information

The documents in question, D.I. 54 and D.I. 56, contain highly sensitive information that was sealed by this Court to protect the safety, privacy, and well-being of the Plaintiffs. The sealing order was necessary due to the nature of the disclosures, which if made public, could result in significant harm to the Plaintiffs, who are already in precarious and vulnerable positions. Providing a copy of the Emergency Motion to the Defendants at this juncture could exacerbate the harm and potentially further compromise the integrity of the judicial process.

2. Risk of Irreparable Harm

Dissemination of the sealed information to the Defendants, despite the protective order, poses a substantial risk of further unauthorized disclosures. Such disclosures could lead to irreparable harm, including but not limited to endangering the lives and safety of the Plaintiffs and their families. The Court's primary concern must be

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the protection of these individuals from additional harm. Plaintiffs have provided abundant evidence on the involvement of the CITGO Defendants in the financing and relation with the offending individuals, as well as with other Defendants and individuals who have violated the court orders.

3. Basis for Sealing

The sealed documents include evidence and arguments related to the unauthorized disclosure of sensitive information and the potential involvement of various parties, which necessitated immediate and confidential judicial intervention. Providing copies of these documents to the Defendants at this stage would undermine the purpose of the sealing order and could compromise ongoing investigations and protective measures. Plaintiffs have provided strong evidence on the involvement of the CITGO Defendants and other Defendants with the individuals who have violated the court orders.

4. Legal Precedent and Judicial Discretion

Federal courts have consistently upheld the need to protect sensitive information through sealing orders when disclosure poses a risk of harm. The Court has broad discretion under Federal Rule of Civil Procedure 26(c) to issue orders to protect parties from undue harm, including maintaining documents under seal to prevent unauthorized disclosure.

5. Plaintiffs' Need for Confidentiality

Given the severity of the potential consequences, the Plaintiffs' need for confidentiality outweighs the Defendants' request for access at this time. The Defendants' ability to respond to the Emergency Motion and the subsequent letter can be addressed after the Court has taken necessary steps to ensure the continued protection of the Plaintiffs' sensitive information.

6. Ex Parte Nature of Relief Sought:

The Emergency Motion and related supplementary filings seek ex parte relief specifically to prevent further unauthorized disclosures and to safeguard the Plaintiffs from imminent danger. Allowing the Defendants access to the Emergency Motion before the Court has had an opportunity to rule on the immediate protective measures could undermine the purpose of the ex parte request. The Plaintiffs believe that the Court's immediate intervention is crucial to address the breach of confidentiality and to implement necessary protections.

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7. Compelling evidence on Defendants as originators of the unauthorized disclosure of sealed information:

The Plaintiffs have meticulously gathered and presented compelling evidence demonstrating that the Defendants are the originators of the unauthorized disclosure of sealed information. This evidence includes detailed logs, communications, and digital footprints that clearly trace the leak back to the Defendants' actions and devices. The consistent pattern of behavior, the specific nature of the disclosed information, and the timing of the leak all converge to unequivocally point to the Defendants as the source of this breach. Such actions not only compromise the integrity of the judicial process but also pose a significant threat to the safety and well-being of the Plaintiffs, necessitating immediate judicial intervention.

Plaintiffs' Request

For the foregoing reasons, Plaintiffs respectfully request that the Court deny the CITGO Defendants' request for copies of D.I. 54 and D.I. 56. Plaintiffs further request that the Court maintain the documents under seal to protect the safety and privacy of the Plaintiffs and ensure the integrity of the judicial process.

In light of the aforementioned reasons, the Plaintiffs respectfully request that the Court:

1. Deny the Defendants' Request:

Deny the CITGO Defendants' request for a copy of the Emergency Motion, deny the opportunity to respond within 14 days at this time and deny the CITGO Defendants' request for a copy of any filing done by Plaintiffs after the filing of D.I. 54.

2. Immediate Protective Measures:

Proceed with considering and ruling on the Emergency Motion ex parte to ensure the immediate protection of the Plaintiffs and the integrity of the judicial process.

3. Future Consideration:

Allow for a subsequent opportunity for the Defendants to respond to the Emergency Motion after the Court has taken necessary protective actions to safeguard the Plaintiffs and their confidential information.

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We believe that these measures are necessary to prevent further harm and to uphold the integrity of this case. We trust that the Court will recognize the urgency and gravity of the situation and act accordingly to protect the Plaintiffs.

Thank you for your attention to this matter. Should Your Honor have any questions, we are available at your convenience.

Respectfully,

[REDACTED]

[REDACTED]